

Whereas the civil-rights struggle has been strengthened and inspired by the leadership of the transgender community;

Whereas 23 States have at least 1 transgender elected official, and there are 12 transgender, gender-nonconforming, or non-binary elected officials in State legislatures, including—

- (1) Danica Roem;
- (2) Gerri Cannon;
- (3) Cesar Chavez;
- (4) Brianna Titone;
- (5) Lisa Bunker;
- (6) Joshua Query;
- (7) Sarah McBride;
- (8) Stephanie Byers;
- (9) Taylor Small;
- (10) Mauree Turner;
- (11) Stacie Laughton; and
- (12) Mike Simmons;

Whereas voters in the State of Delaware elected Sarah McBride as the first openly transgender State senator in the United States;

Whereas voters in the State of Oklahoma elected Mauree Turner as the first openly nonbinary State legislator in the United States;

Whereas, in the State of Illinois, Mike Simmons became the first openly nonbinary or gender-nonconforming State senator in the United States;

Whereas 4 States have a transgender jurist on the bench, including—

- (1) Judge Phyllis Frye of Texas;
- (2) Judge Victoria Kolakowski of California;
- (3) Commissioner Tracy Nadzieja of Arizona; and
- (4) Judge Jill Rose Quinn of Illinois;

Whereas Admiral Rachel L. Levine, MD, was the first openly transgender Federal official confirmed by the United States Senate and is the highest ranking openly transgender Federal Government official in the history of the United States;

Whereas Stella Keating became the first transgender teen to testify before the United States Senate;

Whereas more transgender individuals are gracing the covers of magazines to raise awareness of their gender identity and the importance of living authentically;

Whereas transgender individuals have created culture and history as artists, musicians, healers, workers, and organizers; and

Whereas International Transgender Day of Visibility is a time to celebrate the transgender community around the world: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That the Senate—*

- (1) supports the goals and ideals of International Transgender Day of Visibility;
- (2) encourages the people of the United States to observe International Transgender Day of Visibility with appropriate ceremonies, programs, and activities;
- (3) celebrates the accomplishments and leadership of transgender, nonbinary, gender-nonconforming, and gender-diverse individuals; and
- (4) recognizes the bravery of the transgender community as it fights for equal dignity and respect.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 5017. Mr. SCHUMER (for Ms. CANTWELL (for herself, Mr. WICKER, Ms. KLOBUCHAR, and Mr. THUNE)) proposed an amendment to the bill S. 3580, to amend title 46, United States Code, with respect to prohibited acts by ocean common carriers or marine terminal operators, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 5017.** Mr. SCHUMER (for Ms. CANTWELL (for herself, Mr. WICKER, Ms. KLOBUCHAR, and Mr. THUNE)) proposed an amendment to the bill S. 3580, to amend title 46, United States Code, with respect to prohibited acts by ocean common carriers or marine terminal operators, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the “Ocean Shipping Reform Act of 2022”.

##### SEC. 2. PURPOSES.

Section 40101 of title 46, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) ensure an efficient, competitive, and economical transportation system in the ocean commerce of the United States;”;

(2) in paragraph (3), by inserting “and supporting commerce” after “needs”; and

(3) by striking paragraph (4) and inserting the following:

“(4) promote the growth and development of United States exports through a competitive and efficient system for the carriage of goods by water in the foreign commerce of the United States, and by placing a greater reliance on the marketplace.”.

##### SEC. 3. SERVICE CONTRACTS.

Section 40502(c) of title 46, United States Code, is amended—

(1) in paragraph (7), by striking “; and” and inserting a semicolon;

(2) in paragraph (8), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(9) any other essential terms that the Federal Maritime Commission determines necessary or appropriate through a rule-making process.”.

##### SEC. 4. SHIPPING EXCHANGE REGISTRY.

(a) IN GENERAL.—Chapter 405 of title 46, United States Code, is amended by adding at the end the following:

###### “§ 40504. Shipping exchange registry

“(a) IN GENERAL.—No person may operate a shipping exchange involving ocean transportation in the foreign commerce of the United States unless the shipping exchange is registered as a national shipping exchange under the terms and conditions provided in this section and the regulations issued pursuant to this section.

“(b) REGISTRATION.—A person shall register a shipping exchange by filing with the Federal Maritime Commission an application for registration in such form as the Commission, by rule, may prescribe, containing the rules of the exchange and such other information and documents as the Commission, by rule, may prescribe as necessary or appropriate to complete a shipping exchange’s registration.

“(c) EXEMPTION.—The Commission may exempt, conditionally or unconditionally, a shipping exchange from registration under this section if the Commission finds that the shipping exchange is subject to comparable, comprehensive supervision and regulation by the appropriate governmental authorities in a foreign country where the shipping exchange is headquartered.

“(d) REGULATIONS.—Not later than 3 years after the date of enactment of the Ocean Shipping Reform Act of 2022, the Commission shall issue regulations pursuant to subsection (a), which shall set standards necessary to carry out subtitle IV of this title for registered national shipping exchanges.

For consideration of a service contract entered into by a shipping exchange, the Commission shall be limited to the minimum essential terms for service contracts established under section 40502 of this title.

“(e) DEFINITION OF SHIPPING EXCHANGE.—In this section, the term ‘shipping exchange’ means a platform (digital, over-the-counter, or otherwise) that connects shippers with common carriers for the purpose of entering into underlying agreements or contracts for the transport of cargo, by vessel or other modes of transportation.”.

(b) APPLICABILITY.—The registration requirement under section 40504 of title 46, United States Code (as added by subsection (a)), shall take effect on the date on which the Federal Maritime Commission states the rule is effective in the regulations issued under such section.

(c) CLERICAL AMENDMENT.—The analysis for chapter 405 of title 46, United States Code, is amended by adding at the end the following:

“40504. Shipping exchange registry.”.

##### SEC. 5. PROHIBITION ON RETALIATION.

Section 41102 of title 46, United States Code, is amended by adding at the end the following:

“(d) RETALIATION AND OTHER DISCRIMINATORY ACTIONS.—A common carrier, marine terminal operator, or ocean transportation intermediary, acting alone or in conjunction with any other person, directly or indirectly, may not—

“(1) retaliate against a shipper, an agent of a shipper, an ocean transportation intermediary, or a motor carrier by refusing, or threatening to refuse, an otherwise-available cargo space accommodation; or

“(2) resort to any other unfair or unjustly discriminatory action for—

“(A) the reason that a shipper, an agent of a shipper, an ocean transportation intermediary, or motor carrier has—

“(i) patronized another carrier; or

“(ii) filed a complaint against the common carrier, marine terminal operator, or ocean transportation intermediary; or

“(B) any other reason.”.

##### SEC. 6. PUBLIC DISCLOSURE.

Section 46106 of title 46, United States Code, is amended by adding at the end the following:

“(d) PUBLIC DISCLOSURES.—The Federal Maritime Commission shall publish, and annually update, on the website of the Commission—

“(1) all findings by the Commission of false detention and demurrage invoice information by common carriers under section 41104(a)(15) of this title; and

“(2) all penalties imposed or assessed against common carriers, as applicable, under sections 41107, 41108, and 41109, listed by each common carrier.”.

##### SEC. 7. COMMON CARRIERS.

(a) IN GENERAL.—Section 41104 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “may not” and inserting “shall not”; and

(B) by striking paragraph (3) and inserting the following:

“(3) unreasonably refuse cargo space accommodations when available, or resort to other unfair or unjustly discriminatory methods;”;

(C) in paragraph (5), by striking “in the matter of rates or charges” and inserting “against any commodity group or type of shipment or in the matter of rates or charges”; and

(D) in paragraph (10), by adding “, including with respect to vessel space accommodations provided by an ocean common carrier” after “negotiate”;